

### **REMARKS**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 19-36 were pending prior to the Office Action, and remain pending. Claims 19, 31, and 35 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Information Disclosure Statement***

Applicants note that the Examiner has chosen not to consider reference JP 5-008900, as cited in the IDS dated May 18, 2006. *See copy of PTO/SB08 form attached to Office Action.*

In response, Applicants have translated into English the related portions of the non-considered prior art document. Specifically, paragraphs 10-14 of JP 5-008900 have been translated into English. *See Appendix A.*

Applicants respectfully request the Examiner consider the content of the submitted portion of JP 5-008900 reference as being indicative of the relevance of the reference to the instant application, and return the attached Form PTO/SB/08b confirming that the document has been considered.

#### ***Claim Rejections - 35 U.S.C. §102***

Claims 35 and 36 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. 2001/0008395 to Yamamoto et al. ("Yamamoto"). Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and traverse the rejection.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102, the cited reference must teach or suggest each and every element in the claims. *See M.P.E.P. §2131; M.P.E.P. §706.02.* Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

The Yamamoto reference discloses a transmission liquid crystal display device comprising an optical sensor 2 fitted on the front surface of a liquid crystal panel 1, and a backlight 3 fitted on the back surface of the liquid crystal panel 1. *See Yamamoto, Figure 1A,*

1B. Yamamoto discloses optical sensor 2 as measuring a brightness, (luminance) of light emitted from the backlight 3 through the liquid crystal panel 1. *See paragraphs 39-49.*

According to Yamamoto, a user specifies a particular brightness using brightness setter 9. Next, the device of Yamamoto determines a set brightness for the liquid crystal panel 1 by referring to duty-factor-to-brightness characteristic data 10 previously stored in memory. In other words, a calculator 5 converts the value entered by the user in brightness setter 9 into a value at which to set the brightness of the liquid crystal display panel 1. This conversion is based on a previously determined data table relating duty factor to brightness characteristic data. According to this determined value, the difference between the set brightness and the current brightness measured by the optical sensor 2 is calculated, and then a driving current for the backlight 3 is controlled on the basis of the calculated difference. *See specifically, paragraphs 40-41.*

However, Yamamoto fails to disclose at least all of the features of independent claim 35. Claim 35 recites, *inter alia*, “causing the computer to store in a storage unit a luminance of the backlight, in the plurality of states where the backlight has a different luminance, associated with a luminance of light emitted from the backlight through the liquid crystal panel”. Yamamoto fails to anticipate at least this feature of independent claim 35. In Yamamoto, a luminance of the backlight itself is never measured. Optical sensor 2 only measures the luminance of light from backlight 3 after the light has passed through liquid crystal display 1. *See Figure 1B.*

Additionally, Yamamoto fails to disclose storing a measured luminance value of the backlight in association with a measured luminance value of light emitted through the crystal panel. In Yamamoto, the duty factor-to-brightness characteristic data 10 shows only a relationship between the brightness specified by the user using brightness setter 9 and the set brightness of the liquid crystal. Clearly, this relationship is entirely different from the association between a luminance of backlight in a plurality of states with a luminance of light emitted from the backlight through the liquid crystal panel, as claimed.

Therefore, at least because Yamamoto fails to teach or suggest each and every claimed element, independent claim 35 is distinguishable from the prior art. Dependent claim 36 is also distinguishable from the prior art at least due to their dependence from claim 35. Accordingly,

Applicant respectfully requests that the rejection of claims 35 and 36 under 35 U.S.C. § 102(e) be withdrawn.

***Claim Rejections - 35 U.S.C. §103(a)***

Claims 19-32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Patent No. 6,188,380 to Kawashima et al. ("Kawashima") in view of US Publication No. 2003/0321161 to Yamaguchi ("Yamaguchi") and further in view of US Publication No. 2003/0231158 to Someya et al. ("Someya"). Claims 33-34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kawashima in view of Yamaguchi and Someya as applied to claim 31, and further in view of Yamamoto. Applicants respectfully traverse.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

The Kawashima reference is directed towards a liquid crystal display and luminance control device whereby a photodetector for measuring a luminance of a backlight 14 is arranged on the back surface 16 of a liquid crystal panel 1. *See Figure 2; column 3, line 64 – column 4, line 3*. However, Kawashima fails to disclose measuring a luminance of light emitted from the backlight through the liquid crystal panel. The Examiner concedes this deficiency of Kawashima. *See Office Action, paragraph bridging pages 6 – 7*. The Examiner relies upon the Yamaguchi reference to allegedly cure this conceded deficiency of Kawashima.

The Examiner asserts that Yamaguchi discloses measuring a luminance of light emitted from the backlight through the liquid crystal panel in a plurality of states, citing paragraphs 101 – 102 of the reference. Applicants note that Yamaguchi appears to disclose an optical sensor 40 formed by thin film lamination in a non-display region 30 of the liquid crystal panel 10. *See Figures 1, 3A, 3B, and 6*. Yamaguchi further discloses a backlight 70 located on the rear side of liquid crystal panel 10 for emitting light transmitting through said panel. *See Figure 1*. Yamaguchi expressly states that the optical sensor 40 is located near the backlight 70, and that

the sensor receives environmental light or light from the backlight in order to supply information to the control section. The control section then controls gate driver 50 or source driver 51 to display light amount abnormality of the environmental light or that of the backlight 70 on the liquid crystal panel 10. *See paragraphs 65-68.*

However, from Figure 3A it is clear that optical sensor 40 does not measure a luminance of light emitted through a liquid crystal panel. In fact, optical sensor 40 is disposed in a non-display region of the liquid crystal panel itself. For example, Yamaguchi discloses an array substrate having a structure in which the optical sensor 40 is disposed alongside TFTs 22 comprising the pixels of the liquid crystal panel. *See paragraph 70.* Accordingly, the optical sensor 40 disclosed by Yamaguchi **cannot** be set to detect the luminance of light having passed through the liquid crystal panel. Therefore, Yamaguchi fails to cure at least this deficiency of Kawashima.

Even if the optical sensor 40 of Yamaguchi could possibly be interpreted as measuring luminance of light emitted from the backlight through the liquid crystal panel, which Applicants do not concede, none of Kawashima, Yamaguchi, or Someya references, alone or in combination disclose or suggest storing a measured luminance value of a backlight in association with a measured luminance light emitted through a liquid crystal panel. Neither Kawashima nor Yamaguchi provide any rationale or motivation as to why one of ordinary skill would store such an association between the aforementioned measured values. The Someya reference has not, and indeed, cannot be relied upon to cure the aforementioned deficiencies of Kawashima and Yamaguchi.

Consequently, the features of independent claim 1 including “*measuring a luminance of light emitted from the backlight through the liquid crystal panel in a plurality of states where the liquid crystal panel has a predetermined transmittance and the backlight has a different luminance, and preliminarily storing the luminance measured in each state associated with the luminance detected by the luminance detecting unit*” and “*calculating a luminance to be detected by the luminance detecting unit, which is to be the set luminance set value, on the basis of stored luminance in each state*” cannot be conceived from the cited references, solely or in combination. The cited references likewise fail to teach or suggest the features of independent

claim 31, at least for the reasons relied upon above with respect to independent claim 19. Additionally, dependent claims 20-30, and 32-34 are likewise distinguishable from the prior art at least due to their dependence from claims 19 and 31, directly or indirectly.

Therefore, Applicants submit that claims 19-34 are patentable over decided prior art and respectfully request that the rejection of said claims under §103(a) be withdrawn.

### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders, Reg. No. 60,166 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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Attachment: Form PTO/SB/08